

SAILING THROUGH ANNAPOLIS PERMITTING

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SAILING THROUGH ANNAPOLIS PERMITTING:

A GUIDEBOOK TO THE DEVELOPMENT PROCESS



**Prepared by:
Annapolis Department of Planning and Zoning
with the assistance of the
Annapolis Department of Public Works**

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SAILING THROUGH ANNAPOLIS PERMITTING: A GUIDEBOOK TO THE DEVELOPMENT PROCESS

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Note: Although every attempt was made to make this guidebook complete and thorough, accuracy and comprehensiveness cannot be guaranteed. Applicants should always refer to the authority under which the review or permitting process was established. In all cases, where requirements differ, the more stringent policy applies.

INTRODUCTION

Purpose

Development patterns and urban design relationships are critical determinants in the perception of a city's character and quality of life. In order to facilitate and guide quality development in the city of Annapolis, the Department of Planning and Zoning, with the assistance of the Department of Public Works, has created *Sailing Through Annapolis Permitting: A Guidebook to the Development Process*. The purpose of this guidebook is to assist with the regulatory process by clearly identifying the process and permitting requirements in the city.

Together with the city zoning code, building code, landscaping standards, sector studies and state regulations, *Sailing Through Annapolis Permitting* provides the land developer and/or builder with a complete comprehensive guide to processing and securing all necessary permits for any project undertaken in Annapolis.

Format

Sailing Through Annapolis Permitting includes descriptions of all major review processes and permits. For each process and each permit, the following information has been included:

- 1) the purpose;
- 2) the submittal requirements;
- 3) the steps of the application process;
- 4) the anticipated range of processing time;
- 5) the fees;
- 6) the enforcement and appeal process;

- 7) a contact person; and
- 8) other considerations or requirements.

In addition, several of the more complex planning and permit processes are shown on easy to read, step-by-step flow charts following the individual descriptions.

Preparation

Land developers and builders considering a project in the city of Annapolis should closely review this guidebook prior to making any submittals. The applicant should also meet with city staff from the appropriate departments to clarify any uncertainties with the process and obtain project guideforms or permit applications. Descriptions in this guidebook can function as the applicant's checklist for the project by identifying what steps have been completed, what steps remain and where delays could occur.

Comments/Suggestions

The city of Annapolis aspires to make the processing and permitting of applications function as expeditiously and efficiently as possible and is open to suggestions for improvements. The authors of *Sailing through Annapolis Permitting*, the Department of Planning and Zoning and the Department of Public Works, request that users forward comments or suggestions on this guidebook or on any of the planning and permitting processes to:

Department of Planning and Zoning, (410) 263-7961
Attn: Jane C. Holschuh
160 Duke of Gloucester Street
Annapolis, Maryland 21401

ANNEXATION

Purpose/Description

The purpose of an annexation is to bring non-incorporated property located outside Annapolis into the city limits. Generally, annexation is undertaken in order for a property to take advantage of proximate city utilities and other city services.

An owner of non-incorporated land may petition for annexation if the land meets the following minimum requirements:

- 1) property must be contiguous with existing incorporated land; and
- 2) annexation cannot create any islands or enclaves of non-incorporated territory.

Once the petition for annexation is approved, through a public hearing process, the property must be zoned, also through a public hearing process.

Authority

Annapolis City Code and Charter, Chapter 2.52, Annexation and Chapter 21.08.060, Zoning of Annexed Land

Submittal Requirements

Fifteen copies of a petition signed by not less than 25% of the registered voters who reside in the area to be annexed, and by the owners of not less than 25% of the assessed valuation of the real property located in the area to be annexed. This petition must include:

a. descriptive data such as acreage, metes and bounds description, population, name and address of each property owner, number and kind of existing uses, roadway mileage, assessments, and existing and proposed public facilities and services;

b. a plan displaying the present and proposed boundaries, general land use patterns, existing and proposed zoning, present and proposed public facilities and improvements, existing structures and existing reserved or public areas;

c. certification that each owner of real property, both within the area of annexation and within 500 feet of the boundaries, has either executed the petition or has been sent by first class mail within sixty days prior to filing of the petition, a summary of the petition and of the provisions of Chapter 2.52 of the *City Code*;

d. description and cost of services presently provided, such as police, fire, ambulance, water, sewer collection, road maintenance, street lighting, street and curbing construction, stormwater drainage, animal control, housing inspection, public health, recreation, library, etc.;

e. description of municipal services which should be upgraded, initiated or extended, together with a recommendation regarding the priority for accomplishing the improvements and a

recommendation as to the source of funding for any capital improvements;

f. estimation of the cost to the city of having to provide each service;

g. estimation of the potential revenue to be realized by the city;

h. description of the social and economic characteristics of the proposed area and the surrounding area;

i. assessment of any distinguishing environmental characteristics of the area and environs with an analysis of the impact of annexation on these characteristics; and

j. description of any unique characteristics of the area and environs and analysis of the effect of annexation on these characteristics.

k. A description of uses for the land specified in the current and duly adopted Anne Arundel County master plan or if there is no adopted or approved master plan, then the adopted or approved general plan of the county.

l. The requested city of Annapolis zoning district classification.

m. A property tax map and a topographic map at a scale of one inch equals two hundred feet.

Steps of the Annexation Petition Process

1) The applicant meets with the Department of Planning and Zoning staff to discuss the proposed petition for annexation and petition requirements.

2) The applicant prepares and files, with the City Clerk, the petition for annexation.

3) The City Clerk certifies the annexation petition and distributes it to the Mayor and Aldermen and to the Departments of Planning and Zoning, Public Works, and Finance.

4) The Department of Public Works verifies the metes and bounds description and contiguity of the property.

5) The City Council holds a preliminary hearing to introduce the annexation resolution, and refers to the Department of Planning and Zoning and to the Department of Public Works.

6) The Department of Planning and Zoning sends the annexation petition to the Departments of Public Works, Police, Fire and other applicable agencies for evaluation.

7) The applicant prepares special studies required by the Department of Planning and Zoning (traffic, economic or environmental impacts of the proposed annexation).

8) The applicant prepares an "Outline of Extension of Services", as required under state law.

9) The Department of Planning and Zoning prepares a report on the

proposed annexation, recommending approval or denial of the petition, to be presented at Planning Commission and City Council hearings.

10) The Planning Commission holds a public hearing on the annexation and prepares and adopts findings to be presented to the City Council.

11) The City Council on the fourth Monday of the month holds a public hearing on the proposed annexation and at a meeting following the public hearing meeting takes action on the proposal.

12) If the City Council approves the petition, and forty-five days pass without a challenge to the action, the annexation takes effect.

Steps of the Process to Establish a Zoning Classification for the Annexed Land

1) The Planning Commission, with the advice of the Department of Planning and Zoning, initiates a zoning designation for the property in conformance with the state requirements that annexed property be zoned in accordance with the master plan of Anne Arundel County.

2) The Department of Planning and Zoning staff prepares a staff report on the zoning of the annexed property.

3) The Planning Commission on the first and third Thursday of the month holds a public hearing on the zoning of the annexed property.

4) The Planning Commission prepares and adopts findings on the zoning classification of the annexed

property.

5) The City Council on the fourth Monday of the month holds a public hearing on the zoning of the annexed property.

6) The City Council, at a meeting following the public hearing meeting, takes action on the zoning of the annexed land.

Processing Time

The length of time necessary to complete the entire annexation process varies according to the size, location and complexity of the issues at hand (i.e. environmental impact, transportation impact, etc.). Generally, from the date of the filing of the petition, the annexation process requires between four and six months to complete including the public hearing process.

Fees

\$300.00 for the annexation process submitted to the City Clerk.

Enforcement and Appeals

There is no enforcement of annexation actions other than conditions that may be attached to the annexation resolution that are enforced at the time of subsequent development.

Appeals of annexation and zoning approvals are taken to the Anne Arundel County Circuit Court.

Contact Persons

Jacquelyn Rouse
Department of Planning and
Zoning
(410) 263-7961

Deborah Heinbuch
City Clerk
410-263-7942

BED AND BREAKFAST LICENSE

Purpose/Description

The purpose of a bed and breakfast license is to assure compliance with health, safety and zoning requirements as outlined in the Annapolis City Code.

The following minimum requirements, if applicable, must be met prior to the issuance of a use permit:

1) must be a single-family, owner occupied detached dwelling, providing only transient lodging in not more than five rooms with a maximum stay of fourteen consecutive nights.

2) may only provide breakfast to guests to be served in the area of the dwelling commonly used by the resident family for the consumption of food.

3) the individual recorded owner of the property shall be the operator of the bed and breakfast and must reside on the premises.

4) the number of guests cannot exceed the maximum allowed by the Life Safety Code.

5) only one kitchen is allowed in the entire dwelling unit with no cooking in the guest rooms.

6) homes shall not have a separate apartment within the entire dwelling or on the subject property.

7) homes shall have interior stairs

to serve all habitable living spaces with the exception of any bed and breakfast homes holding a valid, current license issued by the City as of June 20, 1994.

8) all homes must provide off-street parking either on site or through leased spaces from the City Garage.

9) an operating license must be obtained from the Department of Public Works.

10) the owner must keep a current guest register available for inspection by the licensing agency.

11) the home is subject to all building, fire and health regulations.

12) no more than two bed and breakfast homes are permitted between two intersecting streets and no two homes are permitted on adjacent properties with the exception of those holding valid permits issued by the City as of June 20, 1994.

13) the license must be renewed every year and may be suspended or revoked at any time for Code violations.

14) inspections are required on an annual and complaint basis.

15) the license must be displayed in a conspicuous place.

16) the license is non-transferable and all fees not refundable.

17) a floor plan of the dwelling and a record plat must be submitted with the application.

Authority

City of Annapolis Code and Charter, Chapter 21.04.090, 21.50.025 and Chapters 17.40 and 17.44.

Submittal Requirements

A complete bed and breakfast application including a floor plan and an approved record plat must be submitted to the Department of Public Works and Fire Department. The applicant must contact the Department of Planning and Zoning in order to confirm that the proposed bed and breakfast is permitted in that location by the City Code.

Steps of the Process

1) Prior to signing a lease or purchasing the property, the applicant contacts the Department of Planning and Zoning to confirm that the proposed bed and breakfast is permitted in that location by the City Code.

2) The applicant should contact the Department of Public Works to request an application, list of regulations and a preliminary inspection.

3) Prior to opening the home, the applicant must review the regulations governing bed and breakfast homes, and submit an application, floor plan, fee and recorded record plat to the Department of Public Works.

4) The Department of Public Works and Fire Department will conduct inspections throughout the approval and renovation period.

Processing Time

Time required for completion of the application for a Bed and Breakfast

Operating License varies greatly depending on available inspection times, the physical nature of the building and the needed renovations.

Fire Department
(410)263-7975

Enforcement and Appeals

Failure to obtain the required operating license or violations of the conditions and regulations, can result in the issuance of municipal infractions up to a maximum of \$200 for each offense. Repeat offenders may be assessed a fine of \$400 for each repeat offense. Appeals of municipal infraction citations are taken to Anne Arundel County District Court.

If the issuance of a Bed and Breakfast license is denied by either the Department of Planning and Zoning or the Department of Public Works, the applicant may appeal the Department of Planning and Zoning decision to the Board of Appeals within 15 days of the decision.

Other Considerations and Requirements

Additional information on compliance with building and fire code requirements is available through the Department of Public Works. Health Department approval is required for the food service portion of the use.

Contact Person

Bobbie Baker
Department of Public Works
(410) 263-7946

or

Christine Hall
Department of Planning and Zoning
(410)263-7961

Janet Keifler

BUILDING PERMIT

Purpose/Description

The purpose of the building permit application process is to ensure that any construction/renovation work performed is structurally sound and complies with all applicable State and City Code regulations.

A building permit is required for any construction, enlargement or alteration to any wall, structures, building or part of a wall involving a cost of two hundred dollars or more. Building permits are also required for marine construction (see Board of Port Wardens). Both the owner of the property and the contractor are equally responsible for obtaining the required building permit.

Authority

Annapolis City Code and Charter,
Chapter 17.32, Building Permits

Submittal Requirements

1) A complete building permit application,

2) Four sets of construction plans, six sets of plans if commercial,

3) If deemed necessary, submittals for stormwater management, tree preservation, wetlands and critical area review processes.

Steps of the Application Process

1) The applicant contacts the Department of Public Works Bureau of Inspections and Permits. If the proposed project is large and/or complex, the applicant may request a meeting with Department of Public Works staff to

review the proposal. Depending on proposed construction, additional city forms may be required.

2) The applicant submits a building permit application including construction plans and site plans.

3) The Department of Public Works Permits Administrator reviews the building permit application for completeness and distributes it to the Departments of Planning and Zoning, Fire and other applicable agencies for evaluation.

4) The Plans Reviewer reviews the building structure, compliance with city and national building codes, handicapped facilities and accessibility and other features as deemed necessary.

5) If deemed necessary, the Plumbing Inspector reviews the application to determine whether water and sewer service is safe, sanitary and adequate. If any problem is encountered it must be remedied prior to issuance of a plumbing permit.

6) The Department of Planning and Zoning reviews the application for zoning compliance, use and occupancy permit status, height restrictions and other features as deemed applicable.

7) If the work proposed is to be performed on a building or site in the historic district and it will be visible from any public way, an application must be made to the Historic Preservation Commission. The Historic Preservation Commission will conduct a public hearing review of the proposal. The building permit cannot be issued until the Historic

Preservation Commission approves the applicant's proposal. (See the Historic Preservation Commission Certificate of Approval).

8) The Fire Department, in close coordination with the Chief Building Inspector and Electrical Inspector, reviews the application for compliance with city and federal fire codes.

9) If deemed necessary, the Department of Public Works and the Department of Planning and Zoning review landscaping plans.

10) If appropriate, the Pretreatment Inspector reviews the application to determine whether or not discharge is adequately addressed currently or in plans. The applicant may need to provide additional submittals to the Pretreatment Inspector.

11) The Stormwater Management Engineer reviews the grading, sediment and erosion plans and determines if a bond or letter of credit is necessary to ensure code compliance upon completion of the job. (See Grading Permit/Stormwater Management Review.)

12) Once interagency and other review is complete and all reviewers have recommended approval of the applicant's plans, the Department of Inspections and Permits issues the building permit.

13) The Permits Administrator notifies the applicant that the permit is ready for issuance.

14) The applicant picks up the permit and pays any fees due.

15) The applicant posts the permit in a conspicuous place on the job site.

Processing Time

The length of time necessary to complete the building permit review process varies according to the complexity of the proposed work. Generally, if the application is complete and the work is not complex, a permit is issued in approximately 10 working days.

Fees

N O N - R E F U N D A B L E
APPLICATION FEE which is collected at time application is submitted and deducted from permit fee when issued:

<i>Estimated cost of work</i>	<i>Fee</i>
\$ 100 to \$ 25,000...	\$ 25.00
25,001 to 50,000...	50.00
50,001 to 100,000...	100.00
100,001 and over.....	.001
times total cost	

PERMIT FEE which is paid at time of permit pick up:

<i>Estimated cost of work</i>	<i>Fee</i>
\$ 100 to \$ 3,000...	\$ 25.00
3,001 to 5,000...	50.00
5,001 to 10,000...	75.00
10,001 to 15,000...	100.00
15,001 and over...	.007
times total cost	

Enforcement and Appeals

If the applicant does not comply with the terms of the approved building permit, the Department of Public Works may issue a stop work order on the construction or may withhold the final use and occupancy permit until all outstanding

issues are adequately addressed. The city may issue a municipal citation for failure to comply with terms of the building permit. Fines are \$100 per day until the violation is corrected.

Appeals to the Department of Public Works decisions are made to the Building Board of Appeals.

Other Considerations or Requirements

Any contractor performing work in the city of Annapolis must have a valid contractor's license and should be prepared to show proof of the license when picking up a building permit.

Building permits expire two years from the issuance date.

Building permits are void unless issued within 14 days from date of notification.

The applicant must commence work within 90 days of the issuance of the building permit. Applications for establishments that serve or store food must be reviewed by the Anne Arundel County Health Department. Although the Department of Public Works will contact the Health Inspector initially, the applicant will be responsible for meeting any and all requirements imposed by the Health Inspector before issuance of the building permit.

A separate fence permit is required for construction or alteration of a fence. A sign permit is required for construction or alteration of a sign. Information and applications for both are available through the Department of Public Works Bureau of Inspections and Permits.

Contact Person

Michael Mallinoff
Bureau of Inspections and Permits
Department of Public Works
(410) 263-7946

CRITICAL AREA REVIEW

Purpose/Description

The purpose of critical area review is to foster sensitive development on or near the waterfront in order to minimize damage to water quality and natural habitats. Critical area requirements are applicable to land within 1000 feet of the Chesapeake Bay and its tributaries and tidal wetlands. As an overlay zone, critical area regulations are applied in conjunction with the requirements of the underlying zone. Critical area review constitutes a level of review similar to, but in more detail than, normal review for zoning compliance.

Land in the critical area is designated in one of the following categories:

- 1) Intensely Developed Area (IDA)
- least restrictive
- 2) Limited Development Area (LDA) - more restrictive
- 3) Resource Conservation Area (RCA) - most restrictive

Critical area boundaries are shown on the city's zoning map.

Critical Area regulations establish maximum impervious surface coverage (i.e. buildings, parking, driveways, walkways, etc.); a 100 foot buffer landward from mean high water and a wetlands buffer.

Authority

Annapolis City Code and Charter,

Chapter 21.67, Critical Areas Overlay

Submittal Requirements

All applications for development within the critical area must include a site plan with the following information noted:

- a. critical area designation (i.e. IDA, LDA and/or RCA)
- b. an itemized listing of impervious surface coverage and total coverage expressed in square feet and as a percentage of the total site
- c. location of the 100 foot buffer (if applicable)
- d. location of any wetlands (tidal, nontidal or upland)
- e. slopes over 15%
- f. any trees or significant natural features
- g. a buffer management plan (if applicable)
- h. "10% Rule" documentation (if applicable)
- i. Written responses to the buffer exempt area standards and mitigation calculations (if applicable)

For major developments (i.e. subdivisions, special exceptions or planned unit developments) or development in or adjacent to a resource conservation or habitat area, additional information may be required, including:

- a. soil(s) identification
- b. status report on any rare, threatened or endangered species based upon communication with the Maryland Department of Natural Resources
- c. map of existing conditions
- d. proposed development plan pursuant to site design review requirements

Steps of the Application Process

1) The applicant meets with the Department of Planning and Zoning staff to determine critical area constraints and submittal requirements.

2) The applicant submits a complete development application with critical area information.

3) The Department of Planning and Zoning forwards the application to the state's Critical Areas Commission for review concurrent with staff review (if necessary).

4) The Department of Planning and Zoning, taking Critical Areas Commission comments into consideration, either approves the application for compliance or returns the application to the applicant with comments and conditions for approval.

Processing Time

Critical areas review takes place as part of the overall development review process. The amount of time necessary to make a critical areas evaluation depends on the size, scope and complexity of the project. Generally the

review, including Critical Areas Commission review, requires two to four weeks to complete.

Fees

No charges are assessed for critical area review.

Enforcement and Appeals

Enforcement of critical area requirements is performed through the zoning enforcement process. Specific application of critical area regulations may be altered through the Board of Appeals variance process.

An applicant may appeal Department of Planning and Zoning critical area determinations to the Board of Appeals within 15 days of the staff decision.

The Critical Areas Commission may appeal any decision made by the City.

Other Considerations or Requirements

Critical area review on a particular project is performed concurrently with other development review (i.e. site design, stormwater management, etc.) on the project.

Contact Person

Tom Smith or Megan Owen
Department of Planning and Zoning
(410) 263-7961

G R A D I N G PERMIT/STORMWATER MANAGEMENT REVIEW

Purpose/Description

The purpose of the grading permit is to establish minimum requirements for the stripping, excavating and filling of land, for dredging and for the control of soil erosion and sediment.

The purpose of the stormwater management review process is to reduce the effects of land use changes on stream channel erosion, to maintain and assist in the improvement of water quality and to preserve and enhance the environmental quality of area waterways.

Authority

Annapolis City Code and Charter, Chapter 17.08, Grading and Erosion and Sediment Control and Chapter 17.10, Stormwater Management.

Submittal Requirements

Before permit approval:

- 1) grading permit application for which an application fee is required
- 2) cost estimate form
- 3) stormwater management and drainage review checklist
- 4) five sets of complete engineering plans (see Department of Public Works handout for requirements)
- 5) complete stormwater management report (see Department of Public Works handout for requirements)
- 6) complete stormwater

management report (see Department of Public Works checklist for stormwater management report)

Before permit issuance:

- 1) Stormwater Management Maintenance Agreement
- 2) performance bond or letter of credit
- 3) Stormwater Management Minimum Inspections Requirements form signed by owner
- 4) Anne Arundel Soil Conservation District approval

Prior to surety reduction:

- 1) complete inspection report certified by professional engineer
- 2) reproducible mylar "as-builts" certified by a professional engineer

Steps of the Process

- 1) The applicant contacts the Department of Public Works staff to discuss the grading permit and stormwater management review process. The applicant may wish to schedule a meeting with staff if the proposed project is large or complex.
- 2) The applicant submits a grading permit application, including a sediment and erosion control plan, to the Department of Public Works, Bureau of Inspections and Permits.
- 3) The Department of Public Works sends the sediment and erosion control plan to the Anne Arundel Soil Conservation District for review.

4) The Department of Planning and Zoning and the Department of Public Works review the grading permit application.

5) The applicant modifies the application as recommended.

6) The Department of Public Works notifies the applicant that the permit is ready and the fees required.

Processing Time

The length of time necessary to complete the grading permit and stormwater management review process varies according to the size and scope of the project. The time involved from submittal of application to receipt of permit may range anywhere from two weeks for a small project to six months or more for a large project.

Fees

In addition to building permit fees (see Building Permit) the following fees are required for a grading permit:

Application (non-refundable and collected at time of submittal):

<i>Estimated cost of site work</i>	<i>Fee</i>
\$ 0 to \$ 500...	\$50.00
501 to 2,000...	100.00
2,001 to 50,000...	200.00
50,001 to 100,000...	300.00
100,001 to 200,000...	400.00
200,001 and over...	500.00

Grading Permit (collected at time of permit pick-up):

<i>Estimated cost of site work</i>	<i>Fee</i>
\$ 0 to \$ 500...	50.00
501 to 2,000...	100.00

2,001 and over... 200.00
plus 3% of total cost

Enforcement and Appeals

If the applicant does not comply with the terms of the grading permit and/or the Stormwater Management Maintenance Agreement, the applicant or on-site personnel will be notified of the violation verbally. If the violation persists, a stop work order shall be posted and the owner notified by certified mail. If remedial action is not taken to correct the violation, a fine of \$400.00 per day will be charged for each day the violation persists.

If secured work does not comply with a grading permit or approved plans and specifications, the city may take action to obtain the posted security.

Appeals to determination in the grading permit or stormwater management review process may be made to the Building Board of Appeals.

Other Considerations or Requirements

All projects that require stormwater management review require a grading permit. Some projects that require a grading permit, however, do not require stormwater management review. Applicants seeking approval to dredge should also refer to the Port Wardens description.

Contact Person

Sam Brice
Department of Public Works
(410) 263-7949

HISTORIC PRESERVATION COMMISSION - CERTIFICATE OF APPROVAL

Purpose/Description

The purpose of the Historic Preservation Commission review process is to preserve and protect the city's three centuries of architectural history. The primary function of the Historic Preservation Commission, a board of seven members appointed by the Mayor with special training and/or demonstrated interest in history, preservation, archaeology, architecture or planning, is to review proposals for new construction and improvements to structures in existence within the city's designated historic district. Any work that alters the exterior features of a structure visible from a public right-of-way including waterways requires Historic Preservation Commission review and approval. This includes, but is not limited to: new construction, additions, partial/total demolition, decks, porches, window replacement, awnings, fences, walls, drive/curb cuts/parking areas, landscaping/grading, tree removal, siding/roofing changes, exterior lighting fixtures, shutters, windows, doors and signage. The Commission will also evaluate archaeological impact and mitigation.

Authority

City of Annapolis Code and Charter, Chapter 21.62, Historic District. In addition, as the Historic District is an overlay zone, the regulations of the base zoning districts R1, R3, R4, C1, C1A, C2, C2A, C2P, P, MX, WMC, WME are also applicable. Signs are also subject to regulations in Sections 17.60.010 and

17.60.080 of the City Code.

Submittal Requirements

An original application and eleven copies of a complete Historic Preservation Certificate of Approval application, which includes a complete building permit application. Each copy of the application package must include:

- 1) a site plan
- 2) photograph(s) showing existing conditions
- 3) drawings
- 4) plans
- 5) details of the proposed alteration or sign
- 6) other data and documents necessary to convey the design, construction and impact of the proposed work (i.e. cut sheets from catalogs) or existing structures and the streetscape.

Steps of the Process

- 1) The applicant meets with the Department of Planning and Zoning Chief of Historic Preservation to discuss the alteration/development proposal and the Historic Preservation Commission review process.
- 2) The applicant submits a Historic Preservation Commission application including a building permit application. (This application must be submitted 25 days before the regular monthly meeting to allow adequate time for review of the application and for revisions by the applicant if necessary.

3) The Historic Preservation Assistant distributes a copy of the application as follows for review and comments:

- a. Department of Planning and Zoning
- b. Department of Public Works
- c. Historic Preservation Commission members
- d. Historic Preservation Commission architectural consultant
- e. HPC archaeological consultant
- f. Historic Annapolis Foundation

4) The Historic Preservation Assistant schedules the application for the Historic Preservation Commission public hearing.

- Fourteen days prior to the hearing, the applicant posts a notice of the hearing on the property.

5) Prior to the public hearing, the Historic Preservation Assistant distributes comments received from city departments, the archaeology, the architectural consultant, and the Historic Annapolis Foundation to the Historic Preservation Commission members and the applicant.

6) The applicant may, upon receipt of written comments, revise the submitted application or submit additional drawings or data prior to the date of the Historic Preservation Commission hearing for review at the meeting.

7) The Historic Preservation Commission holds a public hearing on the application providing the applicant and architect the opportunity to present their project, with an architect or other

consultant if desired.

8) The Historic Preservation Commission takes action on the application as follows:

- a. issue the Certificate of Approval on the basis of work as proposed; or
- b. issue the Certificate of Approval subject to certain conditions; or
- c. deny the application, precluding the applicant from submitting the same or similar work for one year from the date of denial; or
- d. with the applicant's consent, withdraw the application, giving the applicant an opportunity to resubmit a revised application at a later meeting.

9) If the application is approved, the Historic Preservation Commission issues the Certificate of Approval and the Department of Public Works issues the Building Permit.

Processing Time

The length of time necessary to complete the Historic Preservation Commission review process is determined by the size, scope and complexity of the alteration/development proposal. Generally, if the application does not involve major modification, the Historic District Commission review process requires between 30 and 45 days, from the date of the application submittal to the issuance of the Certificate of Approval. The building permit is issued by the Department of Inspections and Permits.

Fees

Fees are based on cost of proposed alteration/development as follows:

<i>Estimated cost of work</i>	<i>Fee</i>
\$ 0.00-\$ 249.00...	\$ 20.00
250.00-\$2,499.00...	\$ 50.00
\$2,500 and over...	\$100.00

In addition, the Department of Public Works may impose fees for the work as part of its normal permit review.

Enforcement/Appeals

If the construction of the alteration or development varies from the Certificate of Approval issued by the Historic Preservation Commission, the Commission, through the City Attorney, may issue a citation to the property owner requiring amelioration of the violation. Fines are \$100 per day until the violation is corrected.

Appeals to decisions of the Historic Preservation Commission may be made to Anne Arundel County Circuit Court. The appeal must be filed within 30 days of the decision.

Administrative Approval

The Historic Preservation Commission has authorized staff review and approval of some improvements, such as fences and signs, subject to certain conditions. Consult with Historic Preservation Commission staff for more information.

Other Considerations and Requirements

Historic Preservation Commission review and approval are not required for ordinary maintenance that does not

necessitate the replacement of existing materials. Repair or replacement "in-kind" of existing materials does require a building permit and complete documentation by the owner for review by the Chief of Historic Preservation prior to undertaking the proposed work to determine if the work does require Historic Preservation Commission approval.

Before applying to the Historic Preservation Commission for a certificate of approval, applicants should review *Building Toward the Fourth Century: Annapolis Historic District Design Manual*. The manual, which describes guidelines for alterations and new construction, is available from the Historic Preservation Assistant. Applicants should check plans for conformance with these guidelines and also with the *Secretary of the Interior's Standards for Rehabilitation*. These federal standards serve as the foundation for preservation decision making.

Any applicant who would like early guidance on project planning may request a pre-application conference with the Historic Preservation Commission. Pre-application conferences are held at the regularly scheduled administrative meetings of the Historic Preservation Commission. Administrative meetings are held the fourth Tuesday of the month. The applicant should consult with the Chief of Historic Preservation in order to be placed on the administrative meeting agenda.

Applicants should also be aware of an added protective measure in the city's

historic district. The historic preservation easement program is offered by the Historic Annapolis Foundation and the Maryland Historical Trust. Preservation easements are protective covenants on historic properties which offer tax benefits to the property owner in perpetuity. For the property owner, the easement can stabilize property taxes, serve as a tax deductible gift or result in reductions to estate and inheritance taxes. The chief requirement for the grantor in an easement agreement is that all changes must be approved by the owner of the easement. Properties eligible for easements must be in the city's historic district, within the larger national historic landmark district or individually listed on the National Register of Historic Places.

For further information contact:

Historic Annapolis
Foundation
12 Pinkney Street
Annapolis, Maryland 21401

or

Easement Program
Maryland Historical Trust
Division of Historical and
Cultural Programs
100 Community Place
Crownsville, Maryland
21032-20236
(410) 514-7632

Contact Person

Donna Hole
Department of Planning and
Zoning
(410) 263-7941

HOME OCCUPATION

Purpose/Description

The purpose of a home occupation use permit is to assure that all standards are maintained, as dictated by the City Code for the operation of a home occupation.

Home occupation is defined as "a use, as specified in this section, conducted entirely within a dwelling unit or accessory building to a dwelling unit by a resident of a dwelling unit, which is clearly incidental and secondary to the use of the principal building on the zoning lot for dwelling purposes. The use neither shall change the exterior appearance of the dwelling unit nor have any exterior evidence. Where permitted, home occupations shall meet the following standards:

1) The total floor area utilized for the home occupation (including both indoor and outdoor areas) shall not exceed twenty-five percent of the total floor area of the dwelling.

2) Operators of home occupations must be residents of the principal building and not more than one nonresident may be employed in the occupation.

3) Home occupations shall not include outdoor display or storage of merchandise or of service vehicles.

4) Operators of home occupations shall not sell goods in the same form as that in which the goods are purchased by the operators; and only articles or services produced on the premises shall be displayed or sold.

5) Home occupations shall be limited to the following:

a. Artists not employing industrial fabrication techniques;

b. Authors and writers;

c. Dressmakers, seamstresses and tailors;

d. Model making, weaving, custom woodworking and other home crafts not involving industrial fabrication techniques;

e. Music and dance teachers having classes of fewer than four pupils at any one time;

f. Professional offices of a single individual;

g. Repairs of bicycles (but no other vehicles), cameras, clocks, jewelry and small appliances not involving industrial fabrication techniques;

h. Other uses as may be found by the planning and zoning director to be consistent with the purpose of the district in which the use is located.

6) No off-street parking provided for a home occupation shall be located in the required front yard. In the instance of a home occupation involving a nonresident employee, one additional off-

street parking place shall be provided.

7) No home occupations shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than usually experienced in the district on residentially used zoning lots where no home occupation exists.

8) No home occupation shall include any food preparation or service rental services, painting or repair of motor vehicles, hair dressing, or sales or refinishing of furniture or antiques.

Authority

Annapolis City Code and Charter, Chapter 21.04, Definitions, and Chapter 21.04.300, Home Occupation.

Submittal Requirement

One copy of "Home Occupation Certificate of Use Permit", a floor plan showing that less than 25% of floor area is dedicated to said home occupation.

Steps of the Application Process

1) Prior to opening the business, the applicant must review the home occupation regulations

2) The applicant files a home occupation use permit application with the Department of Planning and Zoning.

3) Dependent upon the type of business, the Department of Planning and Zoning, in conjunction with the Department of Public Works, schedules an inspection of the premises.

Processing Time

Time required for completion of the home occupation process varies greatly depending on the type of use and whether the use requires an inspection of the premises. Allowable uses which do not require an inspection will be granted approval in three to five days.

Fee

A \$75.00 fee will be requested only if an inspection is deemed necessary.

Enforcement and Appeals

Violations of the home occupation permit, including failure to obtain a home occupation certificate or violations of the standards of operating a home occupation, can result in the issuance of municipal infractions up to a maximum of \$200 for each offense. Repeat offenders may be assessed a fine of \$400 for each repeat offense. Appeals of municipal infraction citations are taken to Anne Arundel County District Court.

If the issuance of a home occupation certificate is denied by the Department of Planning and Zoning, the applicant may appeal the Department of Planning and Zoning decision to the Board of Appeals within 15 days of the decision.

Other Considerations and Requirements

Additional information on compliance with building and fire code requirements is available through the Department of Public Works for a specific use and location.

The property owner is responsible for obtaining the home occupation

certificate whenever required.

Contact Person

Christine Hall

Department of Planning and

Zoning

(410) 263-7961

PETROLEUM STORAGE TANK PERMIT

Purpose/Description

The purpose of a petroleum storage tank permit is to protect land and water from leaking petroleum tanks. A petroleum storage tank permit is required prior to the installation or abandonment of any storage tank, above or below ground.

Authority

Annapolis City Code and Charter, Chapter 17.22, Petroleum Storage Facilities and Chapter 17.20.050, Removal of Underground Storage Tanks. Further regulations are found in the State of Maryland Fire Code, NFPA 30 and Department of the Environment Code, Title 26, Subtitle 10.

Submittal Requirements

1) Petroleum Storage Tank Application

2) Site plan showing specific location of tanks to be installed, abandoned or removed

3) The installation, removal, or abandonment of underground storage tanks must be performed by a certified MDE Tank Installer or Tank Remover.

4) If work is being performed in the city public right-of-way, a performance bond, certified check, or letter of credit must be secured by the contractor or property owner in accordance with city requirements

Steps of the Application Process

1) The applicant contacts the pretreatment inspector and/or the fire marshall to discuss the requirements of the petroleum storage tank permitting process.

2) The applicant submits a complete petroleum storage tank permit application with a site plan.

3) The Department of Public Works staff and the city's Fire Marshall review the petroleum storage tank permit application.

Processing Time

Generally, upon receipt of the permit application, petroleum storage tank permits are reviewed in approximately one week.

Fees

In addition to building permit fees (see Building Permit description), the following fees are required for a petroleum storage tank permit and are to be paid at time of permit pick-up:

Estimated cost of site work Fee

\$ 0 to \$ 2,000...	\$ 50.00
2,001 to 5,000...	100.00
5,001 to 7,000...	150.00
7,001 to 10,000...	200.00
over 10,000...	50.00 plus .6% of est. value

Enforcement and Appeals

Failure to obtain a permit and/or perform work in accordance with the *City Code* is a municipal infraction with a fine of one hundred dollars for any single, initial violation, and two hundred dollars for each repeat or continuing daily

violation.

Within fifteen days following the decision, applicants may appeal Department of Public Works decisions on petroleum storage tanks to the Building Board of Appeals

Other Considerations or Requirements

The city of Annapolis requires that all tanks be removed in their entirety unless a physical obstruction prevents their removal. City agencies will assess each specific situation as to whether or not a physical obstruction actually exists.

Contact Person

Tom Swontek
Department of Public Works
(410) 263-7946

or

George Ellis
Fire Department
(410) 263-797

P L A N N E D DEVELOPMENT

Purpose/Description

The purpose of planned developments is to encourage preservation of open space, clustering of buildings and flexibility of design to take advantage of natural topography, to create greater diversity of housing and building choices and to minimize paved surfaces.

Planned developments may be residential, commercial, industrial or a combination of these types of development. The planned development regulations allow use exceptions to the applicable zoning; reduction of lot width, size and yard requirements; and the computation of the number of dwelling units allowed based on the gross development area.

Common open space in planned unit developments is required as follows:

residential single family	20%
residential multi-family	30%
commercial and industrial	5%

Authority

Annapolis City Code and Charter, Chapter 21.74, Planned Unit Developments; Chapter 21.98, Site Design Plan Review; Chapter 17.09, Tree Preservation; Chapter 19.12; Stormwater Management, Chapter 21.64, Off-Street Parking and Loading; Chapter 21.67, Critical Area Overlay; the 1997 *Comprehensive Plan* and the adopted sector study for the area of the city in which the proposed planned unit

development is located.

Submittal Requirements

- 1) Ten copies of a letter of application
- 2) Ten copies of a site plan
- 3) Ten copies of an engineering plan
- 4) Ten copies of a vicinity map
- 5) Ten copies of exterior elevations and interior floor plans
- 6) Ten copies of a land use plan
- 7) One copy of a metes and bounds description of the project
- 8) One copy of a list of owners within two hundred feet of the project with both mailing and property address if different and one set of corresponding stamped envelopes
- 9) Other information as requested by city staff

Steps of the Application Process

- 1) The applicant meets with Department of Planning and Zoning staff to discuss the planned development process.
- 2) The applicant submits a complete planned unit development application to the Department of Planning and Zoning.
- 3) The Department of Planning and Zoning reviews the application for

sufficiency.

4) The Department of Planning and Zoning sends the planned unit development application out to the Departments of Public Works, Police, Fire and other applicable agencies for review and comments.

5) If deemed necessary, the Department of Planning and Zoning sets up a development review meeting with all review agencies and the applicant.

6) Concurrently with agency review of the project, the applicant conducts special studies (i.e. traffic impact, critical areas and market analysis) as required by the location and scope of the project.

7) Concurrently with agency review of the project, and only if deemed necessary, the applicant pursues approval of proposed planned development from the Historic Preservation Commission, Board of Appeals and Port Wardens.

8) The applicant makes changes to the project according to comments received in the agency review process.

9) The Department of Planning and Zoning sends the revised plans to the Departments of Public Works, Police, Fire and other applicable agencies for a second review, if necessary.

10) The Planning Commission holds a public hearing on the proposed planned development on the first and third Thursday of the month at 7:30 p.m. The applicant provides eight copies of the revised submittal requirements for the Planning Commission hearing.

11) The Planning Commission adopts, and forwards to the Board of Appeals, recommendations and findings of fact on the proposed planned development.

12) The Board of Appeals holds a public hearing on the planned development proposal on the first Tuesday of the month at 7:30 p.m. The applicant provides six copies of the revised submittal requirements for the Board of Appeals hearing. At the next monthly meeting of the Board of Appeals, the Board takes action on the planned development proposal.

Processing Time

The length of time necessary to complete the planned development review process varies according to the size, scope and complexity of the project and by the requirements for interagency review. Generally, if the project does not require any major modification, the review process requires approximately four to six week and six to eight weeks for the hearing process.

Fees

\$500 plus \$100 per acre or fraction thereof.

Enforcement and Appeals

No use or building permits may be issued for any property not developed in accordance with an approved planned development. If construction begins which does not appear to be in accordance with the approved planned development, a stop work order may be issued.

Appeals of Board of Appeals

decision may be made to the Anne Arundel County Circuit Court.

Other Considerations or Requirements

Although not required, a concept plan may be submitted prior to the submittal of a formal application for general comments as to layout, the appropriateness of the type of development proposed and density.

Contact Person

Tom Smith
Department of Planning and
Zoning
(410) 263-7961

BOARD OF PORT WARDENS-TIDAL WETLANDS, PIERS AND SHORE EROSION CONTROL

Purpose/Description

The Board of Port Wardens is a 5 member commission appointed by the Mayor, charged with reviewing shoreline construction proposals for impacts on public waters and the water bottom. The purpose of the Port Wardens review process is to minimize these impacts and maintain ecologic viability of the city's waterways.

Both the state of Maryland and the federal government have permit processes regulating any activity undertaken below mean high water. The city of Annapolis also has a separate permitting procedure which requires a mandatory public hearing before the Board of Port Wardens. Federal and state approval must be received as a condition of the issue of a city permit.

Activities regulated by the Board of Port Wardens include: all dredging and filling, discharging of stormwater, and placement of any structure or material below mean high water, including piers, pilings, bulkheads, revetments and boat ramps. Any proposal to alter a tidal wetland must demonstrate that there is no practicable alternative to the alteration, that wherever possible, impact has been avoided and minimized, and that any wetlands destroyed are to be mitigated.

Authority

Both the federal and state governments claim jurisdictional authority for activities impacting tidal wetlands, public waters and submerged land.

Regulations governing construction within tidal wetlands and below mean high water are found in the Maryland Wetlands Act, Amended and the Federal Clean Water Act, Amended, Section 404. Some projects may receive automatic approval of federal and state authorities with the approval of the city of Annapolis (through the Port Wardens process).

The city regulations governing construction within the waters of the city of Annapolis are found in the *Annapolis City Code and Charter*, Chapter 15, Harbors and Waterfront Areas.

Submittal Requirements

1) A complete Corps of Engineers (COE) application which is jointly reviewed by the Department of Natural Resources, Wetlands Division including:

- a. an inventory of any wetlands, submerged aquatic vegetation, oyster bars or spawning grounds impacted by the proposed construction.
- b. a scaled overhead view of the project with a verbal description.
- c. a cross section of any construction proposed
- d. a description of materials to be used for any construction
- e. list of adjacent property owners
- f. identification of a fixed object on shore for reference
- g. identification of a spoil site for dredging permit applications only

h. other information, if deemed necessary by city staff.

2) A complete Board of Port Wardens application including all the items required for the joint Corps of Engineers/Department of Natural Resources application as listed above and:

a.a 1:40 scale plan showing the proposed project in relation to adjacent properties and existing in-water structures and lateral lines

b.a 1:200 scale map of the project in relation to the city of Annapolis harbor lines

Steps of the Application Process

1) The applicant meets with the Department of Public Works staff to discuss permit requirements and application procedures for city, state and federal regulations.

2) The applicant submits the application including a building or grading permit application, if necessary to the Department of Public Works.

3) Concurrently, the applicant submits a complete Corps of Engineers form which is available at the Corps of Engineers, Baltimore District Office or the Department of Natural Resources, Wetlands Division to the Corps of Engineers or the Department of Natural Resources.

4) The Department of Public Works distributes the application to other agencies for review, i.e. Department of Planning and Zoning, Fire, if deemed necessary.

5) The Board of Port Wardens holds a public hearing on the application. The applicant must be present at this hearing, in order for the application to be heard.

6) The Board of Port Wardens approves or disapproves the application.

7) After 30 days, with Board of Port Wardens approval, the Department of Public Works may issue a permit for the project pending approval from the Corps of Engineers and Department of Natural Resources.

Processing Time

The length of time necessary to complete the Board of Port Wardens review process varies according to the size, scope and complexity of the project. Generally, from the date of submittal of the two applications, the review process requires a minimum of 75 days to complete.

Applications to the Board of Port Wardens must be received by the Department of Public Works at least six weeks prior to the scheduled hearing which is held on the fourth Tuesday of each month. If the application is approved, there is a mandatory 30 day period to allow for appeals. If, after the expiration of the appeal period the application remains unchallenged, the city permit may be issued provided all state and federal approvals have been received by the applicant and copies presented to the Department of Public Works.

The state and federal permitting authorities have 45 days from the receipt of the application to determine if the application is complete for processing.

The time required to render a decision, however, varies greatly with the complexity and magnitude of the proposed project.

Fees

Building Permit Application (non-refundable and collected after the Port Wardens hearing):

Estimated cost of site work **Fee**

\$ 0 to \$ 501...	\$ 50.00
501 to 2,000...	\$100.00
2,001 to 50,000...	\$200.00
50,001 to 100,000...	\$300.00
100,001 to 200,000...	\$400.00
200,001 and over...	\$500.00

In addition, there is a \$50 hearing administrative fee over and above the fees required for a building or grading permit.

Enforcement and Appeals

Any of the permitting authorities may enforce the terms of their permits. Federal and state agencies may pursue legal remedies. Because federal and state compliance is required as a condition of the city permit, the city effectively may enforce all federal and state, as well as city, requirements. Enforcement by the city may result in a stop work order, fines, denial of final use or even removal of illegal structures.

Appeals to state and federal decisions may be made directly to the permitting agencies, the Department of Natural Resources and the Corps of Engineers. Further appeals may be made to the respective state and federal courts. Appeals to decisions of the Board of Port Wardens are made to the Mayor and City Council, and are based upon information formally presented at the

hearing. Appeals must be filed within thirty days of the final decision of the port wardens.

Other Considerations and Requirements

Because of the potential complexity of acquiring multiple permits, the applicant is encouraged to work closely with the city, state and federal agencies prior to filing an application, in order to determine that all requirements will be adequately addressed. Filing for multiple permits should then be made simultaneously in order to expedite, as much as possible, agency review.

Contact Person

Rick Dahlgren, Harbormaster
Department of Public Works
(410) 263-7973

REZONING

Purpose/Description

The purpose of a rezoning or zoning map amendment application is to change the land use classification (or zone) of a parcel of land. Through rezoning, for example, land may be redesignated from residential to commercial uses, or from single-family to multi-family residential use.

The rezoning of property can be a complex process. State law places a heavy burden of proof on the rezoning applicant. In order for the City Council to approve a zoning change, the applicant must prove that either:

1) there has been substantial change in the character of the neighborhood where the property is located; or

2) there was a mistake in the designation of the existing zoning classification.

An applicant may seek rezoning for a parcel which has: 1) a minimum of two hundred feet of frontage, or 2) contains the twenty-five thousand square feet of lot area, or 3) adjoins a lot, lots or parcel of land which bear the same zoning district classification as the proposed zoning amendment.

Authority

Annotated Code of Maryland, Article 66B, Section 4.05. *Annapolis City Code and Charter*, Chapter 21.84, Rezoning.

Submittal Requirements

1) Nine copies of a letter of application

2) Fifteen copies of a plat of the property, including total area of the property

3) Fifteen copies of a vicinity map

4) One set of #10 envelopes, stamped and addressed to the property owners within 200 feet

5) One copy of a list with the names and addresses of all persons having a financial or vested interest in the project, and in the case of firms, partnerships and/or corporations who have a financial or vested interest in the project

6) Statement of evidence pertaining to the following standards:

a. existing uses of property within the general area of the property in question;

b. the zoning classification of property within the general area of the property in question;

c. the suitability of the property in question to the uses permitted under the existing zoning classification; and

d. the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

7) Additional information

- a. documentation explaining a change in population in the area of the rezoning;
- b. availability of public services;
- c. present and future transportation patterns;
- d. compatibility with existing and proposed development for the area;
- e. relationship of the proposed rezoning to the city's Comprehensive Plan;
- f. evidence of a substantial change in the character of the neighborhood and/or evidence of a mistake in the existing zoning; and
- g. if deemed necessary, special studies (i.e. traffic impact, critical areas review, market review, etc.).

Steps of the Application Process

1) The applicant meets with the Department of Planning and Zoning staff to discuss the rezoning process prior to application submission.

2) The applicant submits a complete application to the Department of Planning and Zoning.

3) The Department of Planning and Zoning reviews the application for completeness.

4) The Department of Planning and Zoning sends the rezoning application to Departments of Public Works, Police, Fire and other applicable

agencies for evaluation.

5) If deemed necessary in interagency review, the applicant revises the rezoning application.

6) The Department of Planning and Zoning prepares a report on the proposed rezoning, recommending approval or denial of the petition, to be presented at Planning Commission and City Council hearings.

7) The Planning Commission on the first and third Thursday of the month holds a public hearing on the rezoning proposal and prepares and adopts findings to be presented to the City Council.

8) The City Council on the fourth Monday of the month holds a public hearing on the rezoning application and at a meeting following the public hearing meeting, takes action on the rezoning application.

Processing Time

The length of time necessary to complete the entire rezoning process varies according to the size, location and complexity of the issues at hand. Generally, from the date of the application submittal, the rezoning process requires between three to five months to complete the public hearing process.

Fees

Fees are set according to the new zoning classification sought as follows:

<i>Change</i>	<i>Fee</i>
To residential	\$400 plus \$30 per acre or fraction of an acre

To commercial	\$600 plus \$30 per acre or fraction of an acre
To industrial	\$400 plus \$30 per acre or fraction of an acre
To maritime	\$600 plus \$30 per acre or fraction of an acre

Enforcement and Appeals

A rezoning is not enforced other than the general regulations of the new zoning classification. Upon approval, all maps in the Department of Planning and Zoning are revised to reflect the new zoning on property.

Appeals of City Council decisions may be made to the Anne Arundel County Circuit Court.

When a rezoning application is denied by the City Council, reapplication cannot occur for a period of one year.

Other Considerations or Requirements

The Planning Commission must find that a rezoning is in the public interest and not solely in the interest of the applicant. The Commission, at its discretion, may recommend another zoning classification that is more restrictive than that requested by the applicant.

After the Planning Commission hearing, and regardless of the Commission's recommendation, the City Council holds a hearing on the application. The City Council must make findings of fact that include the population change, availability of public facilities,

future transportation patterns, compatibility with existing and proposed development in the area, the recommendation of the Planning Commission, and the relationship of the proposed zoning map amendment to the city's *Comprehensive Plan*.

If there is a written protest against any proposed rezoning from 20% or more of the property owners within two hundred feet of the subject property, the City Council can only grant the rezoning with a 3/4 vote. Otherwise a simple majority will suffice. If denied, the application cannot be brought forward again for one year.

Contact Person

Jacquelyn Rouse
Department of Planning and
Zoning
(410) 263-7961

SITE DESIGN REVIEW

Purpose/Description

The purpose of site design review is to ensure that property is developed with sound planning and design principles. Site design plan review is required for:

- 1) new construction and new development of all non-residential property;
- 2) expansion or alteration of non-residential development projects; and
- 3) development or expansion of all multi-family residential projects.

Authority

Annapolis City Code and Charter, Chapter 21.98.050 with additional consideration under Chapter 17.09, Trees in Development Areas, Chapter 19.12, Stormwater Management; Chapter 21.74 Planned Development; Chapter 21.64, Off-Street Parking and Loading, Chapter 21.67, Critical Area Overlay, the 1997 *Comprehensive Plan* and any adopted sector studies for the area where the proposed development project is located.

Submittal Requirements

Site design review involves a three step process sketch plan approval, preliminary site design plan approval and final site design plan approval. An applicant may combine all three steps of the process for approval and submit only a final site design plan. Submittal requirements for each aspect of the site design review process are as follows:

Sketch Plan Approval

Submittals must include ten copies of each of the following:

- 1) Letter of application
- 2) Concept plan showing:
 - a. land use/zoning plan
 - b. site survey
 - c. conceptual building layout
 - d. conceptual building elevations
 - e. conceptual site circulation
 - f. conceptual computations
 - g. conceptual utility layout

Preliminary Site Design Plan Approval

Submittals must include ten copies of each of the following:

- 1) Application form
- 2) List of property owners within 200' (both mailing and property address)
- 3) A set of addressed #10 envelopes with postage
- 4) Site design plan showing:
 - a. land use/zoning plan
 - b. preliminary tree preservation/forest stand delineation
 - c. site survey
 - d. preliminary site development plan
 - e. preliminary site grading and sediment control plan
 - f. preliminary utility design and layout (including profiles)
 - g. preliminary landscape/lighting plan
 - h. preliminary building elevations (including signage)
 - i. preliminary computations
 - j. preliminary grade

establishment plan

Final Site Design Plan Approval

Submittals must include ten copies of each of the following:

- 1) Letter of application
- 2) Site design plan showing:
 - a. final tree preservation/tree conservation plan
 - b. site survey
 - c. final site development plan
 - d. final grading plan
 - e. final utility plan (including profiles)
 - f. final sediment control plan
 - g. final landscape/lighting plan
 - h. final building elevations (including signage)
 - i. phasing plan
 - j. final grade establishment plan
 - k. final computations

Steps of the Process

1) The applicant meets with Department of Planning and Zoning staff prior to submission of a plan, to discuss submission materials, the site design criteria, requirements and timing.

2) The applicant submits a sketch plan.

3) The Department of Planning and Zoning staff informally evaluates the sketch plan and makes initial comments concerning the general layout and appropriateness of the proposed plan.

4) Upon approval of the site design

concept submitted in the sketch plan, the applicant submits a preliminary site design plan.

5) Upon submission of a preliminary plan, the city notifies all property owners within 200 feet of the site and the applicant posts the property with proposal information. (In the case of major site design plans, a public hearing may be held to receive community input.)

6) The Planning and Zoning Department staff sends the preliminary site design review out for formal evaluation to the Departments of Public Works, Police, Fire and other agencies as applicable.

7) If deemed necessary, the Department of Planning and Zoning sets up a development review meeting with all the review agencies and the applicant.

8) The applicant submits a final site design review which incorporates all changes to the preliminary site design plan as required in the agency review process. Other permits required by state and federal agencies should be applied for at this stage.

9) Additionally, after final approval of a site design plan, a landscape maintenance agreement must be executed.

Processing Time

The length of time necessary to complete the site design review process varies according to the size, scope and complexity of the project. Upon receipt of the sketch plan, time necessary for all city agencies to review the plan is generally four to six weeks, provided major

modifications are not necessary.

Fees

The following fees are required for site design plan approval:

- A. Preliminary -- \$50.00
- B. Final --
 - a. Minor - \$50.00
 - b. Major- \$100.00 per half acre

Enforcement and Appeals

When the applicant files for a building permit or use permit, plans are reviewed to ensure accordance with the approved site design plan. If the submitted plans vary from the approved site design plan, neither a building permit nor a use permit is issued.

In addition, if a building permit is issued and changes are made to the approved site design plan during construction, a stop work order may be issued by the Department of Public Works.

The applicant may appeal the site design review decisions of the Department of Planning and Zoning to the Board of Appeals within 15 days of the decision.

Other Considerations and Requirements

Site design review for special exception, planned development, subdivision, rezoning and annexation requests is integrated into these individual processes and does not require a separate application. These reviews take place concurrently.

Although a site design plan is

normally submitted in the three stages referenced above, an applicant may submit and seek approval for any and all of the three plans simultaneously.

Contact Person

Tom Smith or Dirk Geratz
Department of Planning and
Zoning
(410) 263-7961

SPECIAL EXCEPTION

Purpose

The purpose of the special exception process is to assess the impact and public need for uses which have potential adverse impacts on the community and to establish requirements or conditions to mitigate such impacts.

Uses which are deemed special exception vary according to each zoning district. A complete listing of special exceptions allowed in each zoning district may be found under the appropriate district heading in the *City of Annapolis Code and Charter*.

Authority

City of Annapolis Code and Charter, Chapter 21.72, Special Exception with additional consideration under Chapter 21.98, Site Design Plan Review Standards; Chapter 17.09, Tree Preservation; Chapter 19.12 Stormwater Management; Chapter 21.64 Off-Street Parking and Loading Standards; and Chapter 21.67, Critical Area Overlay.

Submittal Requirements for Agency Review

- 1) Ten copies of letter of application
- 2) Ten copies of a site plan
- 3) Ten copies of an engineering plan
- 4) Ten copies of a vicinity map
- 5) Ten copies of exterior elevations and interior floor plans

- 6) Ten copies of a land use plan
- 7) One copy of a metes and bounds description of the project
- 8) One set of #10 envelopes, stamped and addressed to property owners within 200 feet of the project, with both mailing and property address if different
- 9) One copy of a statement addressing special exception standards
- 10) Additional information as requested by city staff prior to application submittal

Steps of the Process

- 1) The applicant meets with the Department of Planning and staff to discuss proposed development and the special exception process.
- 2) The applicant submits the special exception application to the Department of Planning and Zoning and staff reviews the application for completeness.
- 3) The Department of Planning and Zoning staff sends the special exception application to the Departments of Public Works, Police, Fire, Health and other agencies if applicable for comment and review.
- 4) The applicant conducts special studies, such as traffic impact, critical areas and market analysis, as required by the location and scope of the proposed project.
- 5) The Department of Planning and Zoning sets up a development review

meeting with all review agencies and the applicant.

6) The applicant seeks approval of other boards, such as the Historic Preservation Commission, Board of Appeals and Board of Port Wardens if required for the proposed development.

7) If necessary, the applicant revises plans as requested in the agency review process and resubmits revisions to the Department of Planning and Zoning and all other agencies.

8) The Planning Commission holds a public hearing on the first and third Thursdays of the month on the special exception application and adopts recommendations and findings of fact on the special exception application. These recommendations and findings are forwarded to the Board of Appeals for review. The applicant provides eight copies of all revised submittal requirements for the Planning Commission and posts a sign on the property seven days prior to the hearing.

9) The Board of Appeals on the first Tuesday of each month holds a public hearing on the special exception application and at the meeting following the public hearing meeting, takes action on the special exception application. For this hearing, the applicant provides six copies of all revised submittal requirements for the Board of Appeals and posts a sign on the property fifteen days prior to the hearing.

Processing Time

The length of time necessary to complete the special exception process is determined by the size, scope and

complexity of the project and also by the requirements for interagency review and special studies, which vary from project to project. Generally, if no major modifications are required, the special exception process requires between two to four weeks for agency review and six to eight weeks for the hearing process.

Fees

A fee of \$300 plus \$100 per acre or fraction thereof is required.

Enforcement and Appeals

When the applicant files for a building and/or use permits, plans are reviewed for compliance with the approved special exception. If plans do not conform to the special exception requirements, the building permit and/or use permit cannot be issued.

Appeals of Board of Appeals decisions may be made to the Anne Arundel County Circuit Court.

Other Considerations and Requirements

Although not required, an applicant may submit a concept plan prior to submittal of a formal application for general comments as to layout, density and the appropriateness of the type of development proposed.

In addition to applicable sections of the *City Code*, the special exception application is evaluated according to adopted Parking and Landscape Standards, the 1997 *Comprehensive Plan* and the sector study for the area of the city in which the proposed project is located.

Contact Person

Tom Smith
Department of Planning and
Zoning
(410) 263-7961

MAJOR SUBDIVISIONS

Purpose/Description

The purpose of major subdivision review is to ensure that the division of property meets all the applicable requirements outlined in the *Annapolis City Code and Charter* for streets, stormwater management, water service, sewer allocation, lot requirements, open space and landscaping requirements.

Major subdivision approval is required for all tracts of land where:

- 1) more than five lots are created;
- 2) new street right-of-way dedications are required regardless of the number of lots created; and
- 3) new utility or drainage easements are found necessary regardless of the number of lots created.

All subdivisions must meet the design standards established in the *Annapolis City Code and Charter*, Chapter 20.24 or obtain zoning variances to the design standards as specified in Chapter 20.32.

Subdivisions that may be approved administratively are discussed in the "Minor Subdivision" section of this guidebook.

Authority

Annapolis City Code and Charter, Title 20 with additional consideration under Chapter 21.98, Site Design Plan Review; Chapter 17.09, Tree Preservation; Chapter 17.10, Stormwater Management, Chapter 21.64 Off-Street

Parking and Loading, Chapter 21.67, Critical Area Overlay; and Chapter 17.08 Grading, Erosion and Sediment Control.

Submittal Requirements

Pre-application plans submittal should include the following (as specified in the *Annapolis City Code and Charter*, Chapter 20.08):

- 1) existing and proposed use of the site;
- 2) existing covenants;
- 3) land characteristics;
- 4) available community facilities and utilities;
- 5) a location map; and
- 6) a sketch plan including topography, street layout and lot location.

Preliminary plat approval submittal should include ten copies of the following (as specified under Chapter 20.12):

- 1) a plat including boundary lines, easements, streets and utilities;
- 2) land characteristics plan(s) including topography, watercourses, wetlands, wooded areas, trees (as per city or state Forest Conservation Act), existing structures and other significant features;
- 3) map(s) showing conditions adjacent to the tract including slopes, retaining walls, structures, utilities and land use;
- 4) photographs of the site;

tract;
5) zoning on and adjacent to the

6) proposed public improvements;

7) a vicinity map; and

8) covenants.

9) if variances are sought, a statement addressing the following standards:

a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

b. The conditions upon which the petition for a variance is based are unique to the property for which the variance is sought;

c. The purpose of the variance is not based exclusively upon a desire to increase financial gain;

d. The alleged difficulty or hardship is caused by this title and has not been created by any persons presently having an interest in the property.

e. The granting of the

variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

f. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Final plat approval must include ten copies of the plat including boundary lines, lot lines, streets, easements, common areas, building restriction lines, etc. (These items are specified in the *Annapolis City Code and Charter*, Chapter 20.16.

Steps of the Process

1) The applicant meets with the Department of Planning and Zoning staff to discuss subdivision regulations and submission materials.

2) The applicant meets with Department of Public Works staff concerning water and sewer availability for the area of proposed development.

3) The application submits pre-application materials for the proposed subdivision.

4) The Department of Planning

and Zoning evaluates the subdivision concept and makes initial comments concerning the general layout and appropriateness of the proposed plan.

5) The applicant submits materials for preliminary plat approval to the Department of Planning and Zoning including any variance requests.

6) The Department of Planning and Zoning reviews and sends the preliminary plat submission materials to the Departments of Public Works, Police, Fire and other agencies (as appropriate) for formal review. If a traffic study is required for the subdivision proposal, it will be coordinated with the applicant by the Department of Planning and Zoning.

7) The Department of Planning and Zoning schedules the plat for review before the Planning Commission. No posting of the property is required unless variances are requested.

8) After the Planning Commission approves the preliminary plat, the applicant may prepare a final plat for approval by the Planning Commission.

9) If variances are required to the design standards, the Planning Commission will hold a public hearing as part of the plat approval process.

Processing Time

The length of time necessary to complete the major subdivision process varies according to the size, location and requirements resulting from the agency review. Generally, the approximate length of review time necessary for projects not requiring major modifications is six to eight weeks for agency review and six to eight weeks for the public hearing process.

Fees

The cost of a plat is determined by the number of lots. The fee is \$325.00 per lot.

Enforcement and Appeals

When the applicant files for a building and/or use permit, plans are reviewed for compliance with approved record plat.

If construction at the subdivision site does not conform to approved record plat, a stop work order may be issued.

Appeals to Planning Commission decisions may be made to the Anne Arundel County Circuit Court within 30 days of the decision.

Other Considerations and Requirements

Site design review is conducted by the Department of Planning and Zoning during the subdivision process.

Variances to the subdivision regulations may be approved by the Planning Commission after a public hearing.

Major subdivisions are subject to tree preservation review as outlined in *Annapolis City Code and Charter*, Chapter 17 and the state Forest Conservation Act. Additional requirements may also apply.

Contact Person

Tom Smith or Dirk Geratz
Department of Planning and Zoning
(410) 263-7961

MINOR SUBDIVISIONS

Purpose/Description

The purpose of minor subdivision review is to allow the administrative approval of certain types of small subdivisions. Administrative approval is authorized for subdivisions meeting the following requirements:

- 1) five or fewer lots;
- 2) no street right-of-way dedications;
- 3) no utility or drainage easements;
- 4) combination of portions of previously platted lots where total number of lots is not increased;
- 5) exchanges of parcels of land.

Authority

Annapolis, City Code and Charter, Title 20, Subdivisions, with additional consideration under Chapter 21.98, Site Design Plan Review, Chapter 17.09, Trees in Development Areas; Chapter 17.10 Stormwater Management, Chapter 21.64, Off-Street Parking and Loading, Chapter 21.67, Critical Area Overlay; and Chapter 17.08, Grading, Erosion and Sediment Control.

Submittal Requirements

Pre-application plans should include a survey plat of the existing property and a sketch plan of the proposed subdivision.

Plat approval submittal must include eight copies of the following:

- 1) plat including boundary lines, easements, streets and utilities;

2) land characteristics plan including the following (if deemed necessary): elevations, watercourses, marshes, wooded area, trees greater than five inches in diameter, existing structures and all other significant features;

3) zoning on and adjacent to the tract

4) lot size, width and minimum setbacks;

5) title reference data; and

6) sets of photographs of the property.

Steps of the Process

1) The applicant meets with Department of Planning and Zoning staff to discuss the subdivision review process and to determine whether or not the proposed subdivision meets the requirements to be approved administratively.

2) The applicant submits materials for plat approval (as outlined above) to the Department of Planning and Zoning.

3) The Department of Planning and Zoning staff sends submittals to the Departments of Public Works, Police, Fire and other agencies as deemed necessary for formal review.

4) The property is posted for 10 days.

5) The city departments review submittals and set requirements for final record plat approval.

Processing Time

The length of time necessary to

complete the minor subdivision review process is 21 to 45 days, provided no changes are necessary to the plat.

Fees

A minor subdivision plat is \$150.00 per lot.

Enforcement and Appeals

When an applicant files for a use and/or building permit, plans are reviewed for compliance with the approved record plat.

If construction is not in compliance with the approved record plat, a stop work order may be issued.

Appeals of decisions made by the Department of Planning and Zoning during the minor subdivision review process may be made to the Board of Appeals within 15 days of the determination.

Other Considerations and Requirements

Site design review is conducted by the Department of Planning and Zoning during the subdivision process.

Contact Person

Kevin Scott
Department of Planning and
Zoning
(410) 263-7961

TREE PRESERVATION

Purpose/Description

The purpose of the tree preservation process is to preserve and protect trees on development sites before, during and after construction, and to replace trees according to established mitigation procedures. It is the policy of the city to regulate the planting, removal, maintenance and protection of trees and shrubs on all public lands subject to its jurisdiction; to eliminate and guard against dangerous conditions which may result in injury to persons using public areas, to promote and enhance the beauty of the city, to prevent damage to any public sewer or water main, street, sidewalk or other public property, to protect trees and shrubs located in public areas from undesirable and unsafe practices, and to guard trees and shrubs against the spread of disease or pests.

Tree preservation evaluation is invoked as a condition of a building or grading permit on any aspect of construction within the dripline of trees, on any construction that involves the removal of trees and on any construction site that exceeds 40,000 square feet.

Tree preservation plans are also reviewed as part of the special exception, planned unit development, site design and subdivision processes.

Authority

The state of Maryland Forest Conservation Act of 1991 regulates tree preservation and removal on any development site, wooded or treeless, that exceed 40,000 square feet in area, except sites in the critical area, which are subject to the critical area criteria.

The City of Annapolis Code and

Charter, Chapter 17.09, "Trees in Development Areas," applies to any and all construction that impacts trees. Chapter 17.09 also includes standards to be applied with the critical area. Where both the Forest Conservation Act and Chapter 17.09 apply, the more restrictive requirements are applied.

Tree preservation plans are also subject to site design review under Chapter 21.98 of the *City Code*.

Submittal Requirements

Submittal requirements vary according to whether the development site is regulated under the state of Maryland Forest Conservation Act or the *City Code* or both. The submittals required for the state and city regulations, which should be submitted concurrently, include a forest stand delineation plan and a forest stand conservation plan. The specific elements of these submittals are as follows:

The *Forest Conservation Act* applies to sites greater than 40,000 square feet, except those sites containing critical areas.

1) Forest stand delineation plan which includes:

- a. a topographic map;
- b. a soils map;
- c. a forest stand map;
- d. location of 100 year flood plain; and
- e. any information required by the Forest Conservation Technical Manual which is available through the Maryland Department of Natural Resources.

2) Forest conservation plan which

includes:

- a. measures to protect trees on site;
- b. an afforestation or reforestation plan;
- c. maintenance agreements; and
- d. protective agreements.

The *City Code* which applies to sites with less than 40,000 square feet and critical areas:

1) Landscape plan in conjunction with the building or grading permit application, which includes:

- a. limits of disturbance including:
 - i. location of all trees greater than five inches in diameter at breast height
 - ii. within the critical area only, location of all trees regardless of size;
- b. limits of project development;
- c. location of all trees to be preserved;
- d. tree preservation details; and
- e. location of new trees required by mitigation.

Under certain circumstances, additional submittals may be required. When the applicant meets with Department of Public Works staff, the need for additional documentation will be determined.

A. "Tree conservation areas" are established to be the same areas as the legally defined front, side or rear yard setbacks of any residential or commercial property as described in the zoning regulations of the city of Annapolis, which are adjacent to a public right-of-way.

B. Within a tree conservation area, no tree greater than five inches in diameter as measured at 4.5 feet above the ground shall be removed except as provided for in this section. Within a tree conservation area, the property owner may remove trees that are less than five inches in diameter as measured at 4.5 feet above the ground.

C. A permit issued by the director of public works or his or her designee is required for the removal of any tree greater than five inches in diameter, as measured at 4.5 feet above the ground, located within the tree conservation area. There shall be no fee for the tree removal permit. Conditions under which such a permit may be issued include but shall not be limited to the following:

- 1. The tree is dead, dying or diseased, such that fifty percent or more of the crown area is visibly dead;
- 2. The tree is damaged or injured to the extent that it is likely to die or become diseased;
- 3. The removal of the tree will serve the purposes of this chapter or will enhance the health of the remaining trees in the conservation area;
- 4. The removal of the tree will avoid or alleviate, mitigate, or reduce a substantial hardship or damage to the property or any structure located thereon; or
- 5. The removal of the tree is consistent with good forestry practices.

Steps of the Application Process

1) The applicant meets with the Department of Public Works staff to discuss permit requirements and tree preservation on the proposed

development site.

2) The applicant submits all information required under the Forest Conservation Act or the *City Code* (or both) to the Department of Public Works and the Department of Planning and Zoning for preliminary review.

3) The Department of Public Works staff evaluates preliminary submittals and recommends changes to plans as necessary.

4) The applicant submits final plans incorporating recommended changes in the preliminary stage of the process.

Processing Time

Generally, from the date the Department of Public Works receives an approvable submission, processing time is one to four weeks, depending on the complexity of the application.

Fees

There are no additional fees assessed by the city over and above those required for a building or grading permit application.

Enforcement and Appeals

Forest Conservation Act requirements have been codified in the *City Code*, and enforcement is handled by the Department of Public Works. Enforcement procedures for the state law and the city law are the same. Violations may be cause to stop work until a resolution is reached. The penalty for each violation is \$100.00. The unapproved destruction of a single tree constitutes a violation. Trees destroyed by negligence, either during construction or during the post construction period, are to be replaced by the developer of the

site, or the developer is to be assessed a fee in lieu.

Appeals to determinations made by the Department of Public Works are made to the Building Board of Appeals.

Other Considerations or Requirements

Both the city and state laws require considerable attention to detail in developing the application for processing. Failure to provide the appropriate information early in the process may significantly affect the time required for processing tree preservation plans.

Copies of the Forest Conservation Act and Regulations and the Forest Conservation Technical Manual are on file, but not available for distribution from the Department of Public Works and the Department of Planning and Zoning. Copies of the Act and Manual are available at a cost from the Maryland Department of Natural Resources.

It should be noted that mitigation requirements are different under the Forest Conservation Act, the critical areas regulations and the "Trees in Development Areas" section of the *City Code*.

Contact Person

Marisa Calisti
Department of Public Works
(410) 263-7946

USE PERMIT

Purpose/Description

The purpose of a use permit is to assure that any use or occupancy in any structure complies with health, safety and use compatibility requirements outlined in the *City Code*.

The following minimum requirements, if applicable, must be met prior to the issuance of a use permit:

1) the structure must have passed all applicable final inspections i.e. building, electrical, mechanical, fire;

2) the lot must be graded, sodded and/or seeded;

3) fire hydrants must be operative;

4) sidewalks between parking areas and the structure must be complete;

5) all streets and driveways necessary to provide access for the structure to the public street must be complete except for final surface;

6) all storm and sanitary sewers must be complete;

7) curb, gutter and sidewalk in front of the structure must be complete;

8) if special exception approval is required to establish the use, all stipulations by the Board of Appeals must be satisfied; and

9) arrangements for refuse collection, satisfactory to the Director of Public Works, must be complete.

Use permits are also required for

all commercial and some residential marine structures.

Authority

City of Annapolis Code and Charter, Chapter 21.78, Use Permits

Submittal Requirements

A complete use permit application including proposed use, total square footage, parking availability, information on refuse removal and sewer discharge.

Steps of the Process

1) Prior to signing a lease or purchasing the property, the applicant contacts the Department of Planning and Zoning in order to confirm that the proposed use is permitted in that location by the *City Code*.

2) Prior to opening the business, the applicant files a use permit application with the Department of Planning and Zoning.

3) The Department of Planning and Zoning, in conjunction with the Department of Public Works, schedules an inspection of the premises. The inspection is held after the premises are set for business, but prior to official opening.

Processing Time

Time required for completion of the use permit process varies greatly depending on the nature of the use proposed and the physical condition of the premises for the use. Where few *Building Code* requirements are involved, use permits can be issued in three to five days.

Fees

The fee for a use permit is based on the square footage of the use as

follows:

<i>Fire Marshall</i>		
<i>Square footage</i>	<i>Fee</i>	
Up to 10,000...	\$ 50 +	\$ 25
10,000 - 50,000...	\$100 +	\$ 50
50,000 and up...	\$200 +	\$100

Enforcement and Appeals

Violations of the use permit regulations, including failure to obtain a use permit or violations of the conditions of a use permit, can result in the issuance of municipal infractions up to a maximum of \$200 for each offense. Repeat offenders may be assessed a fine of \$400 for each repeat offense. Appeals of municipal infraction citations are taken to Anne Arundel County District Court.

If the issuance of a use permit is denied by the Department of Planning and Zoning, the applicant may appeal the Department of Planning and Zoning decision to the Board of Appeals within 15 days of the decision.

Other Considerations and Requirements

Additional information on compliance with building and fire code requirements is available through the Department of Public Works for a specific use and location. Health Department approval is required for any food service use. The business and property owners are jointly responsible for obtaining use permits whenever required.

Contact Person

Christine Hall
Department of Planning and
Zoning
(410) 263-7961

VARIANCES/APPEALS

Purpose/Description

The purpose of a zoning variance is to alter or vary certain zoning regulations, based on specific needs or constraints. Variances, which pertain only to site and design characteristics and not to the actual use of the land, may be obtained for the following reasons:

1) to permit a setback or yard less than that required by the applicable regulations;

2) to permit the use of a lot or lots that would otherwise be prohibited solely because the area or width of the lot is less than that required for the use by the zoning ordinance (except that the respective area or width of the lot cannot be less than 80% of the required area and width, except religious institutions);

3) to reduce the required off-street parking or loading requirements by not more than one parking or loading space or 20%, whichever is greater;

4) to increase by not more than 20% the distance that the required parking may be located from the use served;

5) to increase the gross floor area by not more than 20%;

6) to waive the parking lot screening regulations; or

7) to reduce the lot coverage restrictions in the R1A and R1B zoning districts.

8) To allow in the case of single-family detached dwellings in the R1, R1-A, R2, R3 and R4 districts, a building

height of three stories, provided that the height does not exceed thirty-five feet.

In addition, the Board of Appeals shall consider variances to the provisions of the critical area program due to special features of a site or other circumstances.

Variances are heard and acted upon by the Board of Appeals, whose five members are appointed by the Mayor.

Authority

Annapolis City Code and Charter Chapter 21.80 authorizes the variance process.

Submittal Requirements

1) Seven copies of a plat showing the property, as improved, and with proposed improvements, to scale;

2) Seven copies of a vicinity map;

3) Seven copies of a written statement demonstrating how the property meets the following standards:

a. that, due to particular physical surroundings, shape or topographical conditions of the property, a particular hardship, as opposed to a mere inconvenience, would result if the strict letter of the regulations were to be carried out;

b. that the conditions upon which a petition for a variance are based are unique to the property, and are not applicable, generally, to other property in the same zoning classification;

c. that the purpose of the variance is not based exclusively upon a desire to increase financial gain;

d. that the alleged difficulty or hardship is caused by the zoning ordinance and has not been created by any persons presently having an interest in the property;

e. that the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

f. that the variance will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion of the public streets, or increase the danger of fire, or substantially diminish property value within the neighborhood;

In the case of critical area variances, seven copies of a written statement demonstrating how the property meets the following additional standards:

a. The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other similar property within the city's critical area;

b. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this program to other lands or structures in similar areas within the city's critical area;

c. The variance request is not based upon conditions or circumstances which are the result

of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;

d. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the city's critical area, and that the granting of the variance will be in harmony with the general spirit and intent of the critical area law and regulations.

4) a listing of all persons having financial interest in the property;

5) a listing of property owners within 200 feet of the property; and

6) two sets of #10 envelopes, stamped and addressed to property owners within 200 feet of the property.

Steps of the Application Process

1) The applicant meets with the Department of Planning and Zoning staff to discuss the variance process prior to application submission and to discuss site/design alternatives that may preclude the need for a variance.

2) The applicant submits a complete variance application to the Department of Planning and Zoning.

3) The Department of Planning and Zoning staff review the application for sufficiency.

4) Fifteen days prior to the Board of Appeals hearing:

a. The Department of Planning

and Zoning places a legal advertisement giving notice of application for the variance and time, date and place of public hearing (cost borne by the applicant);

b. The Department of Planning and Zoning notifies surrounding property owners; and

c. The applicant posts a sign giving notice of the variance application. The applicant may purchase a sign from the Department of Planning and Zoning for \$10.00.

5) The Department of Planning and staff prepares a report to the Board of Appeals on the variance application.

6) The Board of Appeals holds a public hearing on the request for a variance.

7) The Board of Appeals renders a decision on the variance application.

Processing Time

The Board of Appeals meets the first Tuesday of each month, and applications must be received thirty days prior to the meeting. After the hearing, the Board of Appeals has forty days to render its findings and approve or deny the variance request. Upon receipt of a variance application, the time to process is generally 60 days to receive a determination from the Board of Appeals

Fees

Single family dwelling variance -- \$75.00 application fee.

All other variances -- \$200.00 application fee.

An appeal from an administrative

decision requires a fee of \$200.00.

Enforcement and Appeals

When the applicant files for a building permit, plans are reviewed for compliance with the action of the Board of Appeals. If plans do not conform to the action of the Board of Appeals, the building permit is not issued. Variances expire six months from the date of approval, unless a building permit has been obtained or the erection or alteration of the building, or site has commenced within the six month period.

The applicant may appeal the decision of the Board of Appeals to the Anne Arundel County Circuit Court. This appeal must be filed within 30 days of the date of the Board of Appeals decision.

Contact Person

Dirk Geratz
Department of Planning and
Zoning
(410) 263-7961

WASTEWATER PRE-TREATMENT AND DISCHARGE PERMIT

Purpose/Description

The purpose of the wastewater pretreatment program is to control the discharge of toxic or unusually strong domestic wastes into the city's sanitary sewer system. The control is achieved by regulating industrial and non-residential users. Controlling the discharge into the city's sanitary sewer system protects water quality, reduces blockages and damage to the city's sanitary sewer system, prevents disruption to the sewage treatment process and ensures compliance with the National Pollutant Discharge Elimination System Permit held by the Annapolis Water Reclamation Facility.

Wastewater discharge permits are issued to three types of users: users with a flow of 25,000 gallons or more per average work day; users engaged in manufacturing or commerce; or non-residential users that discharge or have the potential to discharge toxic or unusually strong domestic wastes into the City's sewer collection system. Non-residential uses include but are not limited to food handling facilities, auto repair, car washes, photo processors, those users that use chemicals in their operations or produce a by product using a particular process i.e. silver, volatile organics, etc. Other uses may be required to comply with the wastewater pretreatment program as deemed necessary by the Director of Public Works.

At the point these users are identified via user search, use permits,

building permits, a wastewater discharge permit is issued to the user permitting the discharge to the City's sewer collection system.

Authority

Wastewater pretreatment is a federally mandated program under the U.S. Clean Water Act Amended, Public Law 92-500. The federal regulations and standards can be found in the Code of Federal Regulation, Title 40, Parts 401-473. Part 403 specifically lists pretreatment regulations.

Local regulations governing wastewater pretreatment can be found in the *Annapolis City Code and Charter*, Chapter 16.16, Sewer Service. All pretreatment regulations are enforced by the city of Annapolis.

Submittal Requirements

Building permits submitted for users that meet the above categories shall be subject to a wastewater pretreatment review. The following information shall be submitted for review:

- 1) specifications of pretreatment equipment installed i.e. grease interceptors, silver recovery units, etc.; and

- 2) plumbing diagrams, equipment specifications, menu, and seating.

- 1) specifications of pretreatment equipment installed i.e. grease interceptors, silver recovery units, etc.

Steps of the Process

Once the pretreatment inspector determines that the proposed work must undergo wastewater pretreatment review,

the following steps are necessary:

1) the applicant contacts the pretreatment inspector about pretreatment regulations and submittal requirements.

2) the applicant submits specifications on the pretreatment equipment installed; plumbing diagrams, equipment specifications, menu, seating.

3) within 30 days of the issuance of the permits i.e. building, plumbing, etc. the applicant must submit a completed pretreatment survey form;

4) the pretreatment inspector inspects the facility; and

5) the pretreatment inspector releases a wastewater discharge permit which specifically states effluent limitations on wastewater discharge, monitoring requirements, reporting requirements and standard conditions.

Processing Time

Depending on the extent of work required, review time to determine wastewater pretreatment requirements is approximately seven to ten working days.

Fees

All participants in the city's wastewater pretreatment program are required to pay both a permit fee and an annual fee. The annual fee of a permit varies according to the extent of laboratory analysis necessary to evaluate impact of the user and the user's operations. The permit fee for a permit is \$300 for a non-residential or standard industrial user. Generally these permits are good for a three year period. Permit fees for users deemed to be Significant Industrial Users (SIU) are \$800.00 per

outfall. SIU permits are generally issued for a five year term.

Enforcement and Appeals

A violation of any condition of the *City Code* Section 16.16, Federal General Pretreatment Standards, Federal Categorical Standards or specific wastewater discharge permit condition will result in an enforcement action. Enforcement is carried out through the Department of Public Works.

Dependent on the nature and extent of the violation, the enforcement procedure will consist of notice of the violation, an administrative order to remedy the violation, civil action and penalties against the user, termination of water and/or sewer service or criminal action.

The enforcement action taken will be dependent upon the nature and extent of the violation.

Contact Person

Cindy Tait or Mike Bunker
Department of Public Works, Utility
Division
(410) 263-7970

WETLANDS REVIEW (NONTIDAL)

Purpose/Description

The purpose of the nontidal wetlands review process is to maintain the ecologic vitality of nontidal wetlands. Wetlands are reviewed as part of the submission package for building and/or grading permits and as part of the special exception, planned unit development, site design and major subdivision review processes.

Activities that are regulated as part of the wetlands review process are as follows:

- 1) removal of any material from a nontidal wetland;
- 2) change of existing drainage patterns which are connected to a nontidal wetland;
- 3) change in the wetland water level or local water table;
- 4) discharge of any material into a nontidal wetland;
- 5) grading to alter the topography of a nontidal wetland; and
- 6) destruction or removal of plant life within a nontidal wetland.

Any proposal to alter a nontidal wetland must demonstrate that there is no practicable alternative to the alteration, that wherever possible, impact has been avoided and minimized, and that any wetlands destroyed are to be mitigated.

Authority

Maryland Nontidal Wetlands Act of

1989 and the Federal Clean Water Act, Amended, Section 404 regulate construction within or in close proximity to nontidal wetlands. Projects with fewer than five acres of nontidal wetlands are regulated by the state only.

Alteration of nontidal wetlands within the Chesapeake Bay critical area is regulated by the *Annapolis City Code and Charter*, Chapter 21.67 (Critical Area Overlay), Section 21.67.110(A) (Nontidal Wetlands).

Submittal Requirements

Although the agency to which the applicant submits plans varies according to the amount of nontidal wetland on the construction project site, in all cases the applicant must submit a site plan delineating the specific location of nontidal wetlands. The boundaries of the nontidal wetland must be identified by plant species, soil type and hydrology, and an appropriate buffer area must be proscribed.

Steps of the Application Process

For development sites with nontidal wetland greater than five acres:

- 1) the applicant meets with Department of Public Works staff to discuss the wetlands review process;
- 2) the applicant submits a permit application delineating nontidal wetlands on a site plan to the Corps of Engineers, Baltimore District and to the Maryland Department of Natural Resources; and
- 3) the applicant submits copies of federal and state submittals with the city building and/or grading permit application to the Department of Public Works.

For developments sites with

nontidal wetland under five acres:

1) the applicant meets with Department of Public Works staff to discuss the wetlands review process and Department of Planning and Zoning staff if site design review is required;

2) the applicant submits a permit application delineating wetlands on a site plan to the Maryland Department of Natural Resources; and

3) the applicant submits copies of state submittals with the city building and/or grading permit application to the Department of Public Works.

For development sites with nontidal wetland located within the critical area:

1) the applicant meets with Department of Public Works staff to discuss the wetlands review process (and Department of Planning and Zoning staff if site design review is required); and

2) the applicant submits a site plan for the proposed construction delineating wetlands to the Department of Public Works along with the city building and/or grading permit application.

Processing Time

The state and federal permitting authorities have identical timelines: 45 days to determine if the application is complete. During this 45 days, public comment will be solicited. If a hearing is requested, it will be scheduled within a reasonable amount of time and a decision will be rendered within another 45 days from the hearing. If no hearing is requested, a decision will be rendered within 60 days from the receipt of the permit application.

State and federal approvals must be received prior to the issuing a city building or grading permit. If no changes in the city application are necessary in order to meet the terms of the state and/or federal permits, then the city permit process proceeds at its normal pace (see the Building Permit description). If changes to the city permit application are necessary in order to comply with state or federal requirements, the applicant should factor in time to make these changes.

Fees

There are no charges associated with the state and federal permit processes. There are no additional fees assessed by the city of Annapolis over and above those required for a building or grading permit application.

Enforcement and Appeals

Any of the permitting authorities may enforce the terms of their permits. Federal and state agencies may pursue legal remedies. Because state and federal compliance is required as a condition of the city permit, the city effectively may enforce all federal and state, as well as city requirements. Enforcement by the city may result in a stop work order, or final use and occupancy of the premises may be denied until outstanding issues are adequately addressed.

Appeals to federal and state decisions may be made directly to the permitting agencies, the Army Corps of Engineers and the Maryland Department of Natural Resources. Further appeals may be made to the respective federal and state courts. Appeals to city decisions are made to the Building Board of Appeals.

Other Considerations or Requirements

Because of the potential complexity of acquiring multiple permits, the applicant is encouraged to work closely with the city, state and federal agencies prior to making the application, so that all requirements will be adequately addressed concurrently. Filing for multiple permits simultaneously will help to expedite agency review.

Tidal wetlands review is part of the Port Wardens process.

Contact Person

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